REMARKS

In the Office Action of June 14, 2005, claims 1-11 are pending. Claim 1 is an independent claim from which claims 2-11 depend therefrom.

The Office Action states that claims 1-7 and 10-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Herndon et al. (2004/0051612 A1). Applicants are unsure whether claims 8 and 9 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Herndon. In the Non-final Office Action of January 3, 2005 claims 8 and 9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In the current Office Action claims 8 and 9 are not mentioned in the above 35 U.S.C. 103(a) rejection statement. Applicants assume that since the limitations of claims 8 and 9 are argued as being disclosed by Herndon on page 5 of the current Office Action that they are also rejected in view of Herndon.

Referring to MPEP 706.02(I), in order to be disqualified under 35 U.S.C. 103(c), the subject matter that would otherwise be prior art to the claimed invention and the claimed invention must be commonly owned at the time the claimed invention was made. Also, 37 U.S.C. 1.104(c)(4) states that subject matter which is developed by another person which qualifies as prior art only under 35 U.S.C. 102(e), (f), or (g) may be used as prior art under 35 U.S.C. 103 against claimed invention unless the entire rights to the subject matter and the claimed invention were commonly owned by the same person or organization or subject to an obligation of assignment to the same person or organization at the time the claimed invention was made.

Applicants, respectfully, refer the Examiner to the assignments recorded in the Patent and Trademark Office, which convey the entire rights of the present application and that of Herndon to a common organization. The common organization is GE Medical Systems Global Technology Company, LLC (hereinafter GE). Applicants submit that the entire rights to the subject matter of Herndon and to the presently claimed invention were commonly

owned by GE at the time the claimed invention was made. Therefore, Herndon should no longer be considered as an available prior art reference against the present application under 35 U.S.C. 103.

Thus, Applicants submit that since Herndon is also no longer a valid reference under 35 U.S.C. 103 that claims 1-11 are in a condition for allowance due to the above-stated common ownership and assignment reasons.

If claims 8 and 9 remain objected to as in the First Office Action, Applicants again recognize the allowability of claims 8-9 if rewritten in independent form, but submit that since they depend from allowable claim 1, that they to are also allowable as drafted.

In light of the remarks, Applicants submit that all the rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

ARTZ & ARTZ, P.C.

Jeffrey J. Chapp, Reg. No. 50,579
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Dated: August 10, 2005